

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/30/2021
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DASHAWN HAWKINS,

Movant,

-against-

UNITED STATES OF AMERICA,

Respondent.  
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1:19-cv-867-GHW  
1:16-cr-691-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On April 20, 2021, the Magistrate Judge issued a Report and Recommendation, Dkt. No. 42, on Movant's motion to vacate, set aside, or correct sentence. The deadline for Movant to file objections to the Report and Recommendation was May 5, 2021. On May 3, 2021 the Movant requested a ninety-day extension of time to file objections to the Report and Recommendation because he was unable to access the prison law library due to conditions caused by COVID-19. Dkt. No. 43. The Court granted Movant's request, extending the deadline ninety days to August 4, 2021. Dkt. No. 44. By a letter dated July 30, 2021, the Movant requested an additional sixty-day extension to the deadline to file objections. Dkt. No. 45. The movant's request was filed on the docket on August 5, 2021, yet the request was not marked as received by the Pro Se Office until August 6, 2021. On August 5, 2021, prior to receiving the Movant's request, the Court adopted the Magistrate Judge's Report and Recommendation. Dkt. No. 46. On August 19, 2021, Movant filed a notice of appeal. Dkt. No. 48. In a letter filed on the docket on August 24, 2021, the Movant requested additional time to file an "appeal response" based on the Report and Recommendation due to conditions caused by COVID-19 in the prison system. Dkt. No. 47. The Court reads Movant's letter as an additional request to extend the deadline to file objections to the Report and Recommendation.

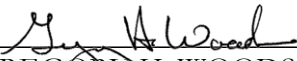
In light of Movant's August 19, 2021 notice of appeal, Dkt. No. 48, the Court lacks jurisdiction over Movant's requests to extend the deadline to file objections to the Report and Recommendation, Dkt. Nos. 45, 47. "The filing of a notice of appeal is an event of jurisdictional significance," which "confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982). The Court is without authority to "rule on any motion affecting an aspect of the case that [is] before the [Court of Appeals]." *Ching v. United States*, 298 F.3d 174, 180 n.5 (2d Cir. 2002); *see also, e.g., Berman v. United States*, 302 U.S. 211, 214 (1937) (rule applies in criminal cases). Accordingly, Movant's requests to extend the deadline are denied for lack of jurisdiction.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Movant and to terminate the motions pending at Dkt. Nos. 114 and 116 in Case No. 1:16-cr-691-GHW.

SO ORDERED.

Dated: August 30, 2021  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge